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By: B. Michelle Albertson
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FILED

February 19, 2008

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF	:	
	:	
JACQUELYN BLACKSTONE, D.O.	:	Administrative Action
License No. MB55091	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	
	:	

THIS MATTER was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on or about July 7, 2006 the Respondent, Jacquelyn Blackstone, D.O., entered into a Consent Agreement and Board Order ("Maine Consent Agreement") with the Maine Board of Osteopathic Licensure ("Maine Board").

CERTIFIED TRUE COPY

More specifically, the Maine Consent Agreement provided that Respondent was reprimanded for having treated a family member contrary to the regulations, for having treated a patient for pain without adhering to the regulations, prescribing potentially addictive medications without proper work-up or coordination with other providers treating the patient for the same conditions and for prescribing a pain medication to a family member which was intended for Respondent's own use.

In addition to a reprimand, the Maine Board imposed a 2 year probationary license, a total civil penalty of \$3,000.00 and, further, required that Respondent attend at least 10 hours of education related to ethics and professional boundaries and 5 hours of continuing medical education regarding the treatment of patients with concurrent disorders.

Thereafter, the New York State Board for Professional Medical Conduct entered into a Consent Order ("New York Consent Order") dated September 19, 2007 with Respondent finding that Respondent had engaged in 2 specifications of professional misconduct based upon the facts giving rise to the disciplinary action taken by the Maine Board. As a result, Respondent agreed to: a censure and reprimand; payment of a civil penalty of \$1,500.00; 2 years of probation to run concurrent with the Maine Consent Agreement and any modifications thereto; and to fully comply with the Maine Consent Agreement and all New York laws.

As a result of the foregoing, the Board has determined that Respondent's acts giving rise to the Maine Consent Agreement and New York Consent Order constitute professional misconduct and provide a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e).

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;


IT IS ON THIS 19th day of February, 2008 , ORDERED AND AGREED THAT:

1. Respondent shall be, and hereby is, reprimanded;
2. Respondent license to practice medicine and surgery shall be, and hereby is, placed on a period of probation for two (2) years commencing consistent with the initiation of the probationary license set forth in the Maine Consent Agreement, but which probationary period shall not terminate until Respondent demonstrates to the satisfaction of the Board that she holds an active, unrestricted license to practice medicine in Maine and New York; and
3. Respondent agrees that if the Board, upon receipt of reliable information and in its sole discretion, determines during the probationary period that the Respondent has failed to comply

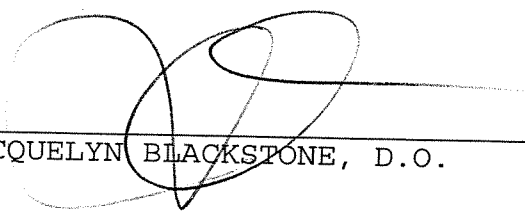
with any provision of this Consent Order, or is in violation of any of the Board's statutes and/or regulations, then Respondent's New Jersey license to practice medicine and surgery shall be automatically and immediately suspended. Within ten (10) days of notification of the suspension, Respondent may seek a hearing before a Committee of the Board limited to the sole issue of the basis for the automatic suspension.

STATE BOARD OF MEDICAL EXAMINERS

By:


Mario A. Criscito, M.D.
Board President

I have read and I understand
this Consent Order and agree to be
bound by its terms. I further
hereby consent to the entry of
this Consent Order.


JACQUELYN BLACKSTONE, D.O.

STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE

IN RE: JACQUELYN BLACKSTONE, D.O.

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CONSENT AGREEMENT
AND BOARD ORDER

The Board of Osteopathic Licensure (hereafter "the Board"), Jacquelyn Blackstone, D.O. and the Office of the Attorney General enter into the following Consent Agreement in order to resolve a pending complaint.

I. FINDINGS AND CONCLUSIONS

The parties agree that the Consent Agreement ("Agreement") is based upon the following findings and conclusions by the Board:

1. Dr. Blackstone has been licensed to practice osteopathic medicine in the State of Maine since 1991. Dr. Blackstone's specialty is perinatology.

2. On several occasions between January 2002 and March 2005, Dr. Blackstone allowed her significant other, James Owens, D.O., to prescribe Ambien for her, which was intended for his use, in order to supplement the Ambien that was being prescribed to him by other practitioners during this same time period.

3. On one occasion, Dr. Blackstone prescribed a pain medication for James Owens, D.O., which was intended for her own use.

4. Between January 2002 and October 2004, Dr. Blackstone treated James Owens, D.O, in circumstances other than those permitted under 02 CMR 383, Chapter 16, *Prescribing and Treating for Self and Family Members* (eff. 6-27-2001), namely:

A. Dr. Blackstone treated her significant other, Dr. James Owens, contrary to 02 CMR 383, Chapter 16, §2, A. to E., by writing several prescriptions for him in non-emergent situations and for chronic, non-seasonal conditions,

when qualified physicians were reasonably available to prescribe appropriate medications for him and to provide ongoing follow-up.

- B. Contrary to 02 CMR 383, Chapter 16, §2, F., Dr. Blackstone treated her significant other, Dr. James Owens, by writing a number of prescriptions for several medical conditions. Dr. Blackstone did not follow the standard of care applicable to a physician treating a patient for those medical conditions. There is no evidence of appropriate examination, diagnostic testing, consultation or that a treatment plan was followed.
- C. Contrary to 02 CMR 383, Chapter 16, §4., Dr. Blackstone failed to keep any medical record related to the prescriptions she wrote under the circumstances described in 3. A. and B.

5. Dr. Blackstone treated Dr. James Owens for an apparent pain condition without evidence of complying with 02 CMR 383, Chapter 11, *Use of Controlled Substances for Treatment of Pain* (eff. 3-22-1999).

6. The Board of Osteopathic Licensure notified all osteopathic physicians of the adoption of Chapter 11, the *Use of Controlled Substances for Treatment of Pain*, via First Class mail at the licensees' last known address, in April 1999; the Board notified osteopathic physicians of Chapter 16, *Prescribing and Treating for Self and Family Members* via First Class mail at the licensees' last known address, in June 2001. Also, notice of newly adopted rules appears in all major Maine newspapers on Tuesday of each week.

7. Between January 2002 and October 2004, Dr. Blackstone:
- A. prescribed potentially addictive medications to Dr. James Owens without following the standard of care applicable to the related medical conditions. For example, there is no evidence that these medications were prescribed by Dr. Blackstone following appropriate examinations, diagnostic testing or formulation of a treatment plan;
 - B. prescribed medications to Dr. James Owens, such as Diazepam, Ambien, Triazolam and Viagra notwithstanding the fact that other medical practitioners were also prescribing the same or similar medications to Dr. Owens during this same time period without coordination with other prescribers;
 - C. treated Dr. James Owen, for several medical conditions, including chronic insomnia, that were outside of her area of expertise or customary scope of practice.

8. The Board concludes that the above findings are grounds for discipline under 32 M.R.S.A. § 2591-A (2)(E), § 2591-A (2)(F) and § 2591-A (2)(H).

II. SANCTIONS

Based on the foregoing findings and conclusions, the Board imposes the following sanctions on Dr. Blackstone, to which she agrees:

1. **Reprimand.**

The Board issues the following written reprimand to Dr. Blackstone:

You are hereby reprimanded for having treated a family member contrary to the regulations adopted by the Board of Osteopathic Licensure, 02 CMR 383, Chapter 16, *Prescribing and Treating for Self and Family Members* (eff. 6-27-2001), for having treated a patient for pain without adhering to the regulations adopted by the Board of Osteopathic Licensure contrary to 02 CMR 383, Chapter 11, *Use of Controlled Substances for Treatment of Pain* (eff. 3-22-1999), prescribing potentially addictive medications without proper work-up, or coordination with other providers treating the patient for the same conditions and for prescribing a pain medication to a family member which was intended for your own use.

2. Fines.

A. The Board imposes a \$1,500.00 civil penalty upon Dr. Blackstone for violation of 02 CMR 383, Chapter 16, *Prescribing and Treating for Self and Family Members* (eff. 6-27-2001).

B. The Board imposes a \$1,500.00 civil penalty upon Dr. Blackstone for violation of 02 CMR 383, Chapter 11, *Use of Controlled Substances for Treatment of Pain* (eff. 3-22-1999).

C. The above fines must be made payable to the "Treasurer, State of Maine" by sending a cashier's check or money order to the Board of Osteopathic Licensure on or before December 31, 2006.

III. CONDITIONS OF LICENSURE

In addition to the above sanctions, the Board imposes the following probationary conditions on Dr. Blackstone's license to practice osteopathic medicine in the State of Maine to which Dr. Blackstone agrees:

1. Education.

A. Within 12 months of the execution of this Agreement, Dr. Blackstone must attend an educational program approved by the Case Reporter of at least ten (10) hours duration regarding issues related to ethics and professional boundaries. Dr. Blackstone must provide the educational program with a copy of this Agreement prior to the commencement of the program.

B. Dr. Blackstone will ensure that the Board receives a report from the educational program mentioned in Condition 1.A. that describes Dr. Blackstone's participation in the program, her level of understanding and appreciation for the principles taught and whether she has satisfactorily completed the program. Dr. Blackstone will sign releases, as needed, if the Board requires additional written information from the program or needs to speak with program personnel regarding any aspects of the report.

C. Prior to the termination of this Agreement, Dr. Blackstone must obtain five (5) hours of continuing medical education regarding the treatment of patients with concurrent disorders, i.e., mental health disorders with addiction. The educational program must be approved in advance by the Case Reporter. Dr. Blackstone shall provide the Board with satisfactory documentation that she has completed this educational program.

D. The education required by Condition 1 may be part of the 100 hours that Dr. Blackstone requires for biennial renewal of her license.

2. Compliance with Board Regulations.

Dr. Blackstone agrees that she will review and adhere to the restrictions and guidelines contained in Chapter 11 and Chapter 16 of the Rules adopted by the Board. Dr. Blackstone

understands that the Board may periodically obtain prescription profiles in order to monitor this Condition.

3. Notice of Consent Agreement

A. Dr. Blackstone shall provide a copy of her Agreement, and any subsequent amendments, to the Chief of Staff at the institution(s) where she holds privileges or is employed.

B. Each of the foregoing shall sign and date an acknowledgement that he or she has read the Agreement or the subsequent amendment. A copy of each signed acknowledgement must be sent to the Board **within 30 days** of the date of the execution of this Agreement or of the execution of subsequent amendments.

C. Dr. Blackstone agrees that if new individuals assume similar roles during the existence of the Agreement, or any subsequent amendment, she will promptly provide a copy of this Agreement, as amended, to the individual(s) as described in 3.A. above and send the Board a dated and signed acknowledgement from each.

D. In the event that Dr. Blackstone applies for licensure in other jurisdictions while the Agreement, as amended, is in effect, Dr. Blackstone agrees to notify the other jurisdictions of the existence of this Agreement, and any amendments thereto, and provide a letter to the Board that she has done so.

4. Costs.

A. Dr. Blackstone agrees to pay for the costs incurred in connection with the Board's investigation, in accordance with 10 M.R.S.A. § 8003-D. The Board will provide Dr. Blackstone with an invoice setting out the amount of such costs, at or prior to the time of the execution of

this Agreement. These costs must be paid to the Board on or before **December 31, 2006**, by sending to the Board a cashier's check or money order, made payable to the "Board of Osteopathic Licensure".

B. Dr. Blackstone will be responsible for all costs resulting from the carrying out and the enforcement of this Agreement, pursuant to 10 M.R.S.A. §8003-D.

5. Amendments.

A. Requests for amendments shall be submitted to the Board in writing and supported by professional opinions, if appropriate and available.

B. Requests for amendments will not suspend any obligations under this Agreement. Dr. Blackstone will be expected to comply with the terms of the Agreement until her request is acted upon favorably by Board vote and approved by the Office of the Attorney General.

C. Amendments will be decided in the discretion of the Board, with or without a hearing, and must have the approval of a representative of the Attorney General. There will be no appeal from the discretionary decisions regarding amendments of this Agreement.

D. Any action by the Board seeking to increase the conditions of licensure will be taken only after hearing, unless allowed by law, this Agreement or by subsequent agreement of the parties.

E. Except for good cause, amendments will not be considered by the Board more frequently than every six months.

6. Term of Board Order.

This Agreement and Board Order regarding probationary license will terminate two (2)

years from the date it is executed by all parties, provided Dr. Blackstone has completed all of the requirements of her Agreement and any amendments, and no grounds for discipline exist at the time set for termination. If grounds for discipline exist at the time set for termination or if there have been repeated instances of non-compliance during the term of the Agreement, Dr.

Blackstone agrees that she will negotiate in good faith a reasonable extension to this Agreement beyond the two (2) year term.

7. Notices.

The Board can be reached at:

142 State House Station
Augusta, Maine 04333-0142
(207) 287-2480
Fax: (207) 287-3015
E-mail: susan.e.strout@maine.gov

Dr. Blackstone can be reached at:

Work: (207)

Dr. Blackstone agrees that at or prior to the execution of the Agreement she will provide the Board's Executive Secretary with her home number, her cell phone and/or beeper number, and her e-mail address or fax numbers, if any. This contact information, to the extent that it is not generally available to the public, will be kept confidential and used by the Board only for the purposes intended by this Agreement.


Dr. Blackstone further agrees that she will promptly notify the Board if she changes address or any of the methods of contacting her identified in this Condition.

IV. VIOLATION OF CONSENT AGREEMENT

1. **General.** Dr. Blackstone agrees that, if she fails to meet any of the obligations of this Agreement, the Board may impose by agreement, or after notice and an opportunity for hearing, any of the sanctions found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2591-A, including revocation, long-term suspension or non-renewal of her license. The Board may also impose the sanctions provided in this Agreement.
2. **Failure to Meet Reporting and Time Requirements.** Dr. Blackstone agrees that if she fails to meet any of the reporting or other time requirements set out in this Agreement (without having requested an extension prior to the due date and having that request granted by the Board), the Board may, in its discretion, automatically and without the need to hold a hearing, assess Dr. Blackstone a fine of \$100 for each month, or portion of a month, that she is out of compliance with the reporting or time requirement set out in this Agreement, or any amendments thereto. Dr. Blackstone will be notified of the assessment of the fine in writing by the Board. Dr. Blackstone must pay the fine to the Board **within 30 days** of receiving notice that the fine was assessed. She must do so by cashier's check or money order made out to "Treasurer, State of Maine." The Board's decision not to impose this sanction in one instance of non-compliance with a reporting or other time requirement does not constitute a waiver of the Board's right to impose a fine regarding a subsequent violation of the same reporting or other time requirement.

I, JACQUELYN BLACKSTONE, D.O., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO FURTHER HEARINGS OR APPEALS REGARDING THIS CONSENT AGREEMENT. KNOWING THIS, I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THE CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE. I ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO DISCUSS THE CONSENT AGREEMENT WITH LEGAL COUNSEL PRIOR TO SIGNING IT.

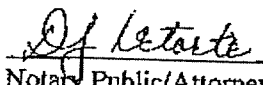
Dated: 6/19/06


Jacquelyn Blackstone, D.O.

STATE OF MAINE

SS.

Before me this 20 day of June, 2006, personally appeared Jacquelyn Blackstone, D.O., who after first being duly sworn, signed the foregoing Consent Agreement in my presence or affirmed that the signature above is her own.


Notary Public/Attorney at Law

My commission expires:

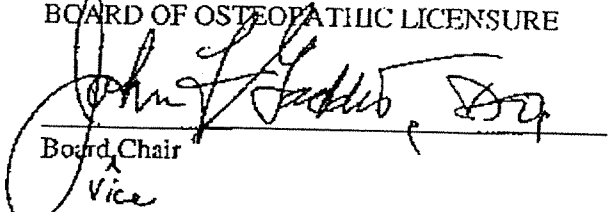
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JANUARY 14, 2008

BOARD ORDER

IT IS HEREBY ORDERED by vote of the Maine Board of Osteopathic Licensure that a license to practice osteopathic medicine in the State of Maine is issued to Jacquelyn Blackstone, D.O., subject to the terms and conditions of the Consent Agreement signed by her on June 19, 2006, 2006, which are incorporated herein by reference.

Dated: July 7, 2006

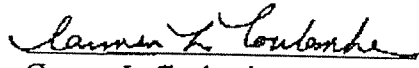
STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE


Board Chair
Vice

Approved by:

STATE OF MAINE, OFFICE OF
ATTORNEY GENERAL

Dated: July 13, 2006


Carmen L. Coulombe
Assistant Attorney General

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JACQUELYN BLACKSTONE, D.O.

CONSENT
ORDER
BPMC #No. 07-204

Upon the application of (Respondent), JACQUELYN BLACSTONE, D.O. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 9-19-07

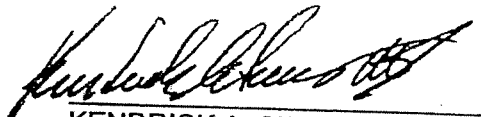

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT B

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JACQUELYN BLACKSTONE, D.O.
CO-07-05-2638-A

CONSENT
AGREEMENT
AND ORDER

JACQUELYN BLACKSTONE, D.O., representing that all of the following statements are true, deposes and says:

That on or about January 18, 1989, I was licensed to practice as a physician in the State of New York, and issued License No. 177197 by the New York State Education Department.

My current address is 74 Neal Street, Portland, ME 04102, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the two (2) Specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Censure and Reprimand;
\$1,500.00 fine.

The fine is to be paid within thirty (30) days of the effective date of this Order to the NYS Department of Health, Bureau of Accounts Management, Revenue Unit, Empire State Plaza, Coming Tower, Room 1258, Albany, NY 12237-0016.

Two (2) years probation, to run concurrent and be coterminous with the probation imposed by the State of Maine, Board of Osteopathic Licensure, July 13, 2006, Consent Agreement and Board Order and any modifications, thereof.

Should Respondent return to the practice of medicine in the State of New York or in Any jurisdiction where that practice is predicated upon Respondent New York State medical license, Respondent shall provide ninety (90) days notice in writing to the Director, OPMC. The Director in his sole discretion, may impose whatever limitations, or further conditions, he deems appropriate.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

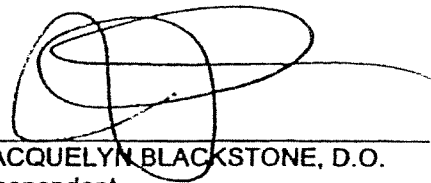
I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED:

9/10/07



JACQUELYN BLACKSTONE, D.O.
Respondent

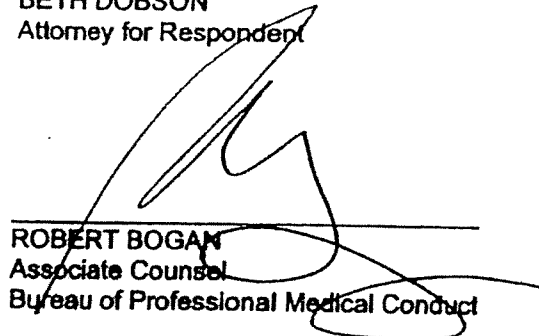
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 9/6/07



BETH DOBSON
Attorney for Respondent

DATE: 11 Sep 2007



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 9/18/07



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JACQUELYN BLACKSTONE, D.O.
CO-07-05-2636-A

STATEMENT
OF
CHARGES

JACQUELYN BLACKSTONE, D.O., Respondent, was authorized to practice medicine in New York state on January 18, 1989, by the issuance of license number 177197 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 13, 2006, the State of Maine, Board of Osteopathic Licensure (hereinafter "Maine Board"), by a Consent Agreement and Board Order (hereinafter "Maine Order"), Reprimanded Respondent, required her to pay a \$1,500.00 civil penalty and costs of investigation, that she complete ten (10) hours of CME regarding issues related to ethics and professional boundaries and five (5) hours of CME regarding the treatment of patients with concurrent disorders, and placed her license on probation for two (2) years, based on inter alia, allowing her significant other, a D.O., to prescribe Ambien for her, which was intended for his use; prescribing a pain medication for her significant other, a D.O., which was intended for her own use; treating a patient without evidence of an appropriate examination, diagnostic testing, consultation or that a treatment plan was followed; and failing to keep a medical record relating to prescriptions she wrote for her significant other, a D.O.

B. The conduct resulting in the Maine Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
and/or
2. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York State Education Law §6530(9)(b) having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: June 26, 2007
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York Education Law §§ 6530 or 6531 shall constitute a violation of probation and may Subject Respondent to an action pursuant to New York Public Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall comply fully with the July 13, 2006, Consent Agreement and Board Order of the State of Maine, Board of Osteopathic Licensure (hereinafter "Maine Board") and any extension or modification thereof.
5. Respondent shall provide a written authorization for the Maine Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Maine Order.
6. Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the Maine Order during the declaration period specified.
7. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
8. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.